



**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT**

Docket Number:

F0397.70068US00

In re Application of: Marvin J. Slepian
Application No. 10/631,318
Confirmation No. 1899
Filed: July 31, 2003
For: BIODEGRADABLE POLYMERIC ENDOLUMINAL SEALING
PROCESS, APPARATUS AND POLYMERIC PRODUCTS FOR
USE THEREIN

The owner*, Endoluminal Therapeutics, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 as presently shortened by any terminal disclaimer, of prior Patent No. 6,443,941. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record.

Signature

09/24/04

Date

Timothy J. Oyer, Ph.D., Reg. No. 36,628

Typed or Printed Name

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